



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**FAO-4913-2005 (O&M)
Date of decision:10.03.2026**

SAVITRI AND OTHERS**...APPELLANTS****VERSUS****AJIT SINGH AND OTHERS****...RESPONDENTS**

Present: Mr. K.S. Dhanora, Advocate and
Ms. Kritika Mandhan, Advocate
for appellants.

Mr. Jitender Dhanda, Advocate
for respondents No.1 and 2.

Mr. Sahej Mahajan, Advocate for
Mr. R.K. Bashamber, Advocate
for respondent No.3

PARMOD GOYAL, J. (ORAL)

Appellants-claimants are aggrieved agreed by award dated 15.06.2005 passed by Motor Accident Claims Tribunal, Hisar (hereinafter referred to as '**Tribunal**'), vide which claim petition preferred by appellants-claimants was dismissed.

2. It was the case of appellants-claimants that deceased Phool Kumar had gone to Tosham from Hansi on his motorcycle on 02.03.2002. At about 01:15 PM, when Phool Kumar reached village Alkhpura near Nirvana minor bridge, a jeep bearing registration No.HR-22B-1695 came from Tosham side at a high speed. Jeep driven by Respondent No.1-Ajit Singh had hit the motorcycle. Phool Kumar was thrown on the left side of the road and had suffered multiple injuries, resulting into his death. Accordingly, compensation of Rs.20,00,000/- was sought by appellants-claimants.

3. Admittedly, in present case, FIR was lodged on the same date

by sole eyewitness Sube Singh Beldar, who had appeared as PW3. However, while lodging FIR, Sube Singh-PW3 had not disclosed the registration number of jeep. Learned Tribunal appreciated the evidence of Sube Singh Beldar-PW3 and had concluded as under:-

“The FIR in this case is against an unknown vehicle. The name of the driver is not recorded. The FIR also records the fact that the number plate was not affixed on the offending jeep. The driver was arrested after 2-1/2 or 3 months of the accident. Sube Singh had not seen driver nor there could have been any occasion as according to him he was two killas away. The jeep according to Sube Singh was being driven at the speed of 100 kms. per hour. The jeep driver did not stop his vehicle and had sped away after causing the accident. In this scenario, it was for the claimant to prove how they came to know about the driver. The admission of respondent no.1 is not sufficient. There appears to be a collusion between respondents no.1 & 2 and the claimants. The testimony of the claimants does not inspire confidence. The family of the deceased were not present at the time of the accident, therefore, they could not have seen the accident. The fact that the complainant was called to the police station goes to show that the police had called some persons to the police station. Was any identification parade held, there is no answer. How did the police and claimants come to know that this jeep was involved? It is a mystery. The testimony on the file does not inspire confidence. The issue is answered against the petitioners.”

4. I do not find any error with the above-noted conclusion drawn by the Learned Tribunal. It was duty of appellants-claimants to explain how they came to know about registration number of jeep after three months of accident. There is total silence in this regard. Neither IO has been examined, who could have disclosed as to how registration number of jeep came to be

known nor Sube Singh has come forward to assert that it was he who had disclosed registration number of jeep to the police after three months of accident after coming to know from source to be disclosed by him. There is no evidence as to how present jeep was involved as offending vehicle in present case.

5. Faced with this, learned Counsel for appellants-claimants has argued that respondent No.1 has admitted the accident in written statement, therefore, the learned Tribunal ought to have accepted the evidence of appellants-claimants. However, I do not find any merit in the contention raised by learned Counsel for appellant-claimants. It is duty of appellants-claimants to stand on their own legs by leading cogent evidence to show involvement of offending vehicle as well as rash and negligent driving on the part of offending vehicle. Collusion between respondents/owner/driver of offending vehicle and claimants, as recorded by the learned tribunal, is clearly made out from the facts of present case. There was no reason for respondent No.1 to accept his involvement in accident once he was not named by any of the eyewitnesses to be driver of offending vehicle. The fact that respondent No.1 accepted the claim of appellants-claimants, without there being any explanation on the part of appellants-claimants as to how they came to know about the number of offending vehicle, goes to prove collusion as recorded by learned tribunal.

6. Present appeal is dismissed being without any merit.

7. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

10.03.2026
Sunil Chander